

SUPREME COURT

Enabling Laws

Act 1483 of 2003
Constitution of Arkansas, Article 7
Constitution of Arkansas, Amendments 9 and 28

History and Organization

The first Supreme Court of the State of Arkansas was organized in November, 1836, pursuant to the Arkansas Constitution of 1836. The Constitution of 1836 granted unto the Supreme Court appellate jurisdiction over the other courts of the state and the power to issue Writs of Error and Supersedeas, Certiorari, Habeas Corpus, Mandamus, Quo Warranto, and other remedial writs. The same or similar powers were also granted to the Supreme Court by the Arkansas Constitutions of 1864 and 1868.

The most recent authority for the organization, powers and purposes of the Supreme Court is the Constitution of 1874 and its amendments, and, specifically, Sections One, Four, Five, Six, Seven, Eight, Nine and Ten of Article Seven and Amendments 9 and 28. Pursuant to the authority of Amendment 9, the Supreme Court is now composed of one Chief Justice and six Associate Justices. Section Four of Article Seven of the 1874 Constitution provides that the Supreme Court shall have appellate jurisdiction, coextensive with the state, and that it shall have general superintending control over all inferior courts of law and equity, and in aid of its appellate and supervisory jurisdiction, it shall have power to issue Writs of Error and Supersedeas, Certiorari, Habeas Corpus, Prohibition, Mandamus and Quo Warranto, and other remedial writs, and to hear and determine the same. Section Five of Article Seven provides that "in the exercise of original jurisdiction, the Supreme Court shall have power to issue writs of Quo Warranto to the Circuit Judges and Chancellors when created and to officers of political corporations when the question involved is the legal existence of such corporations." Amendment 28 grants unto the Supreme Court the authority to regulate the practice of law and the professional conduct of attorneys.

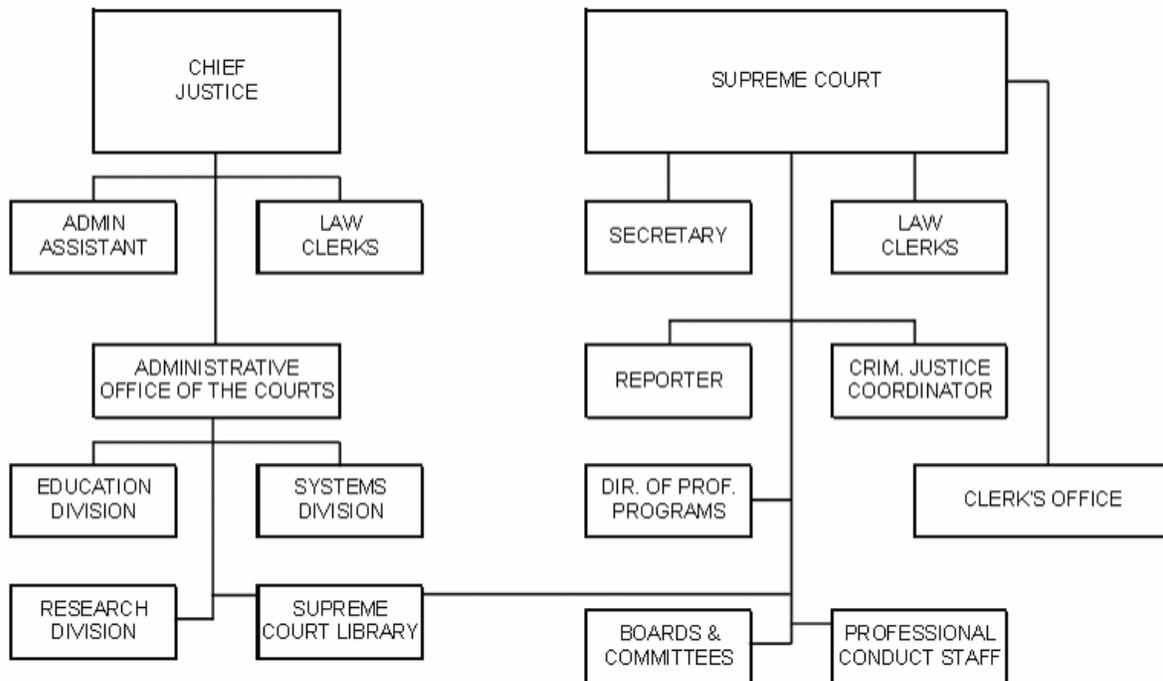
Amendment 58 to the Arkansas Constitution of 1874, which created the Arkansas Court of Appeals, gives to the Supreme Court the power to determine the appellate jurisdiction of the Court of Appeals. The Supreme Court has, by Rule 1-2 of the Rules of the Supreme Court and Court of Appeals, provided that the Court of Appeals will have appellate jurisdiction over all cases appealed from the Circuit, Chancery and Probate Courts, with the exception of the following types of cases, which are appealed to the Supreme Court:

- (1) All cases involving the interpretation or construction of the Constitution of Arkansas;
- (2) Criminal appeals in which the death penalty or life imprisonment has been imposed;
- (3) Petitions for quo warranto, prohibition, injunction, or mandamus directed to the state, county, or municipal officials or to circuit, chancery, or probate courts;
- (4) Appeals pertaining to elections and election procedures;
- (5) Appeals involving the discipline of attorneys-at-law and or arising under the power of the Supreme Court to regulate the practice of law;
- (6) Appeals involving the discipline and disability of judges;

- (7) Second or subsequent appeals following an appeal which has been decided in the Supreme Court; and
- (8) Appeals required by law to be heard by the Supreme Court.

Reassignment of cases. Any case is subject to reassignment by the Supreme Court, and in doing so; the Supreme Court will consider but not be limited to the following:

- (1) Issues of first impression;
- (2) Issues upon which there is a perceived inconsistency in the decisions of the Court of Appeals or Supreme Court;
- (3) Issues involving federal constitutional interpretation;
- (4) Issues of substantial public interest;
- (5) Significant issues needing clarification or development of the law, or overruling of precedent; and
- (6) Appeals involving substantial questions of law concerning the validity, construction, or interpretation of an act of the General Assembly, ordinance of a municipality or county, or a rule or regulation of any court, administrative agency, or regulatory body.



Agency Commentary

Regular Salaries (Commitment Item 5010000): The salary requests for FY06 and FY07 reflect base level requests with a graduated COLA increase of 3% to 1.5% for each year of the biennium.

Extra-Help (Commitment Item 5010001): The Court requests base level of \$20,000 with an additional \$10,000 for both FY06 and FY07. It has become necessary to hire two additional part time employees on a regular basis.

Personal Services Matching (Commitment Item 5010003): The Court is requesting this amount in proportion to the increase in salaries for FY06 and FY07.

Operating Expenses (Commitment Item 5020002): The Court requests base level of \$295,663 with an addition 3% for FY06 and 6% for FY07 for inflationary growth.

Travel-Conference Fees (Commitment Item 5050009): The Court requests base level of \$30,000 for both FY06 and FY07.

Capital Outlay (Commitment Item 5120011): The Court requests that its authorized appropriation of \$112,000 be restored (FY05 level) for each year of the biennium.

Court Appointed Attorneys (Commitment Item 5900040): The Court is requesting base level of \$200,000 for both FY06 and FY07, plus an additional \$10,000 increase above its authorized level to include the payment of legal fees for attorneys who are appointed as required by Ark. Code Ann. Section 9-27-316(h)(1)(Supp.2003) to represent a parent or guardian in the appeal of a proceeding to remove custody from a parent or guardian or to terminate parental rights of a juvenile. The court's existing appropriation was authorized for the payment of attorneys' fees in criminal appeals.

Judicial Education (Commitment Item 5900048): The Court is requesting base level of \$100,000 for each year of the biennium.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS SUPREME COURT
FOR THE YEAR ENDED JUNE 30, 2002

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	11	32	43	98 %
Black Employees	0	1	1	2 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			1	2 %
Total Employees			44	100 %

Publications

A.C.A 25-1-204

Name	Statutory Authorization	Required for		# Of Copies	Reason (s) for Continued Publication and Distribution
		Governor	General Assembly		
Arkansas Reports/ AR Appellate Reports	Ark. Code Ann. Sect. 25-18-210/217 (Repl. 2002)	N	N	575	ACA Sect. 16-11-201 official historical record of opinions of the Arkansas Supreme Court and Arkansas Court of Appeals

Appropriation / Program Summary

Appropriation / Program: 008 Supreme Crt-Oprs
Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	1,807,669	1,854,315	1,804,571	1,912,619	1,912,619	0	1,968,902	1,968,902	0
#Positions	44	44	44	44	44	0	44	44	0
Extra Help 5010001	11,391	20,000	30,000	20,000	30,000	0	20,000	30,000	0
#Extra Help	4	5	5	5	5	0	5	5	0
Personal Services Matching 5010003	459,831	497,504	452,319	530,074	530,845	0	540,656	541,427	0
Operating Expenses 5020002	277,941	295,663	295,663	295,663	304,540	0	295,663	313,679	0
Travel-Conference Fees 5050009	8,712	30,000	30,000	30,000	30,000	0	30,000	30,000	0
Professional Fees and Services 5060010	20,520	25,000	25,000	25,000	25,000	0	25,000	25,000	0
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	104,074	112,000	112,000	0	112,000	0	0	112,000	0
Printing and Binding 5900034	197,913	275,000	275,000	275,000	275,000	0	275,000	275,000	0
Court Appointed Attorneys 5900040	196,983	200,000	200,000	200,000	210,000	0	200,000	210,000	0
Commissions and Committees 5900041	5,680	20,000	20,000	20,000	20,000	0	20,000	20,000	0
Special Justices 5900046	400	5,500	5,500	5,500	5,500	0	5,500	5,500	0
National Center for State Courts 5900047	93,960	0	0	0	0	0	0	0	0
Judicial Education 5900048	95,735	100,000	100,000	100,000	100,000	0	100,000	100,000	0
Total	3,280,809	3,434,982	3,350,053	3,413,856	3,555,504	0	3,480,721	3,631,508	0
Funding Sources									
State Central Services 4000035	3,280,809	3,434,982		3,413,856	3,555,504	0	3,480,721	3,631,508	0
Total Funding	3,280,809	3,434,982		3,413,856	3,555,504	0	3,480,721	3,631,508	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	3,280,809	3,434,982		3,413,856	3,555,504	0	3,480,721	3,631,508	0

FY05 Budgeted amounts in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary adjustments during the 2003-2005 biennium.

Change Level by Appropriation

Appropriation / Program: 008-Supreme Crt-Oprs
Funding Sources: HSC - State Central Services

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	3,413,856	44	3,413,856	100.0	3,480,721	44	3,480,721	100.0
C01	Existing Program	141,648	0	3,555,504	104.1	150,787	0	3,631,508	104.3